



VIA EMAIL: Paul.Savinkoff@gov.bc.ca

File: 26250-20/22358
Site ID: 22358

May 7, 2020

Paul Savinkoff
Ministry of Transportation and Infrastructure
PO Box 9850, STN PROV GOVT
Victoria, BC V8W 9T5

Dear Mr. Savinkoff:

Re: Certificate of Compliance – Pasture Pit, Highway 93/95, Lot 1 CLSR 53280 or L.T.O. Plan A 4292, Kootenay District, 7 km south of Windermere, British Columbia

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
 - (a) any environmental media that may be contaminated, or
 - (b) soil which may exceed the standards triggering a Contaminated Soil Relocation Agreement set out in section 40 of the Contaminated Sites Regulation and may be encountered during any future subsurface work at the site.
4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Sustainability Act's* Groundwater Protection Regulation.

5. Please note that future site development may create preferential pathways for vapour. In this event, further assessment and remediation of vapour may be warranted.
6. Please note that the attached Certificate of Compliance does not address obligations of employers regarding worker health and safety under the *Workers Compensation Act* and Occupational Health and Safety Regulation. Development of site-specific work procedures in accordance with Workers' Compensation Board regulations may be warranted. Please direct related questions to Worksafe BC.

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at 236-468-2228 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



Janet Barrett
Senior Contaminated Sites Officer

Enclosure

cc: Kevin Paterson, Regional District of East Kootenay, Environmental Department,
environmentalservicesdept@rdek.bc.ca

Andrew Malucelli, Akisqnuq First Nation; amalucelli@akisqnuq.org
3050 Hwy 93/95 Windermere, BC V0B 2L2

Siege Pflug, Indigenous Services Canada, BC Region; siege.pflug@canada.ca
1138 Melville Street, Suite 600, Vancouver BC V6E 4S3

CSAP Society
apopova@csapsociety.bc.ca

Traci Brannen Magee, Approved Professional, SLR Consulting (Canada) Ltd.
tmagee@slrconsulting.com



CERTIFICATE OF COMPLIANCE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards and criteria.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

May 7, 2020
Date Issued


Janet Barrett
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at Highway 93/95 7 km south of Windermere, British Columbia which is more particularly known and described as:

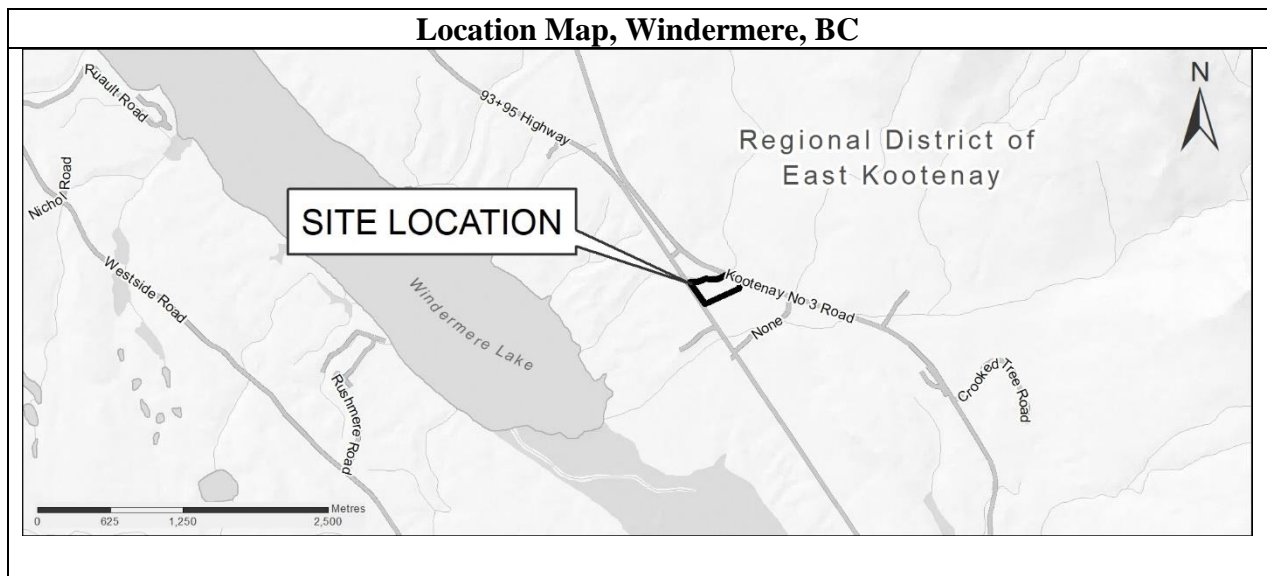
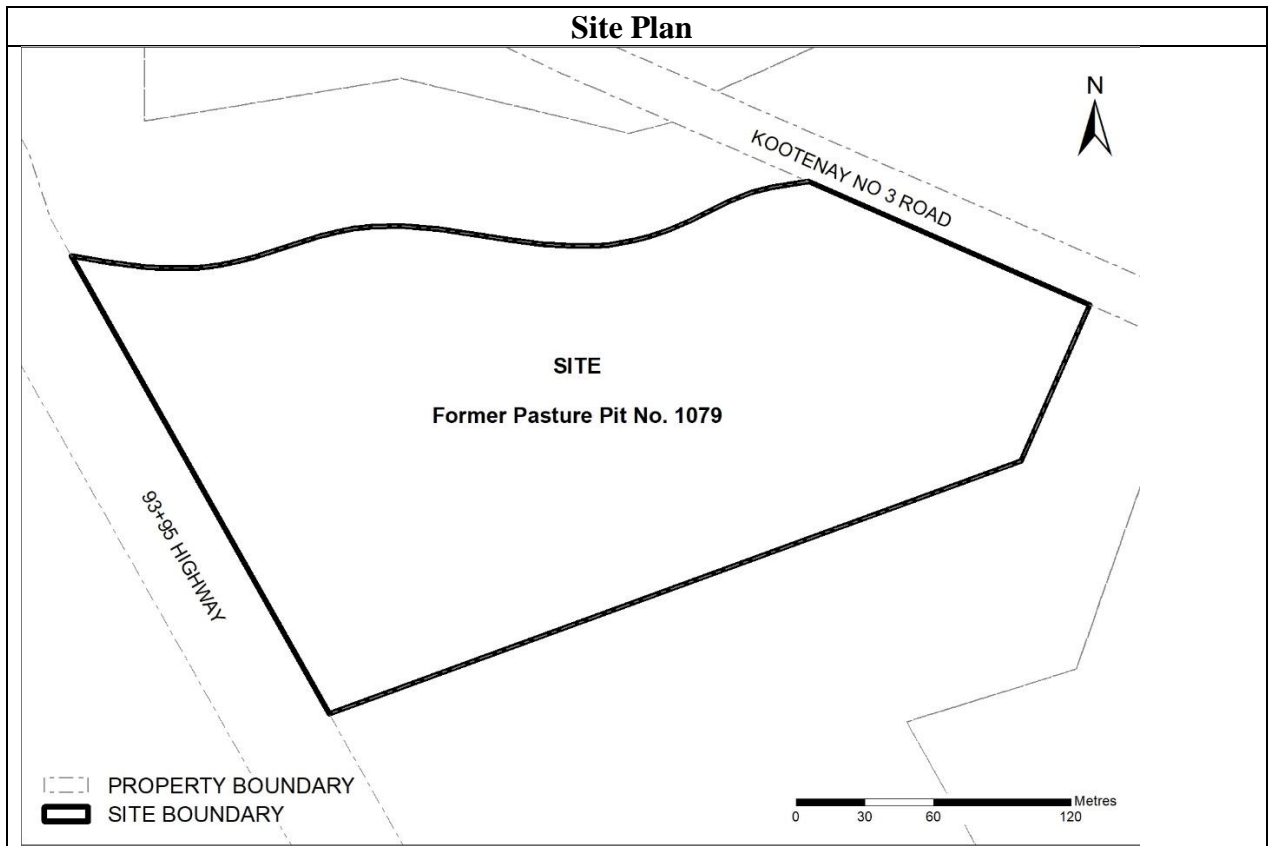
Lot 1 CLSR 53280 or L.T.O. Plan A 4292, Kootenay District
PIN: 15252530

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

Latitude: 50° 25' 1.0"
Longitude: 115° 54' 34.0"

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Schedule B

Requirements and Conditions

1. Any changes in land, vapour, or water uses must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at the site. These assumptions include the following:

(a) Any building at the site will be slab-on-grade construction.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible persons in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

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Schedule C
Substances and Uses

Substances evaluated in soil for low density residential land soil use:

To meet site-specific numerical standards:

- barium 7440-39-3

To meet numerical remediation standards:

- LEPHs

Substances evaluated in water for drinking water use:

To meet local background concentrations:

- lithium 7439-93-2

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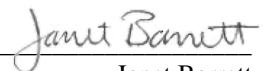
Schedule D

Documents

- *Summary of Site Condition*, SLR Consulting (Canada) Ltd. March 2020.
- *Stage 1 Preliminary Site Investigation Update, Supplemental Detailed Site Investigation and Confirmation of Remediation*, SLR Consulting (Canada) Ltd. March 2020.
- *Protocol 9 Application for Determination of a Local Background Concentration for Dissolved Lithium in Groundwater*, Ministry of Environment & Climate Change Strategy. February 4, 2020.
- *Determination of Background Groundwater Quality for Lithium, Pasture Pit, Windermere, BC*, SLR Consulting (Canada) Ltd. September 19, 2019.
- *Phase III Environmental Site Assessment, Former Pasture Pit No. 1079, Near Windermere, BC*, Tetra Tech Canada Inc. September 15, 2017.
- *Phase II Environmental Site Assessment, Former Pasture Pit No. 1079, Near Windermere, BC*, Tetra Tech Canada Inc. January 13, 2017.
- *Phase I Environmental Site Assessment, Former Pasture Pit No. 1079, Near Windermere, BC*, Tetra Tech EBA Inc. November 2016.

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